

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LARISA SABADASH,  
Plaintiff,  
v.  
SARL BREVENT, *et al.*,  
Defendants.

Case No. 2:23-cv-06265-FLA (KSx)

**ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE  
REMANDED FOR LACK OF  
SUBJECT MATTER JURISDICTION**

On March 24, 2023, Plaintiff Larisa Sabadash (“Plaintiff”) filed the Complaint in Los Angeles County Superior Court, asserting four causes of action against Defendants SARL Brevent, Ilya Meliya, and Jean François Blet (“Blet”) (collectively, “Defendants”) for: (1) declaratory relief; (2) interference with contract; (3) fraudulent concealment; and (4) unjust enrichment. Dkt. 17-1 at 9–19 (“Compl.”).<sup>1</sup>

On August 7 and 9, 2023, Defendants removed the action to this court, alleging the existence of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) (“Section 1332(a)"). Dkts. 5, 17.

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<sup>1</sup> The court cites documents by the page numbers added by the court’s CM/ECF system, rather than any page numbers listed natively.

1 On September 7, 2023, Plaintiff filed the operative First Amended Complaint  
2 (“FAC”), asserting the same four causes of action as in the Complaint. Dkt. 25  
3 (“FAC”). Plaintiff alleges Defendants acted jointly as part of a “scheme” to buy  
4 Plaintiff’s real property “without her knowledge and consent, for far less than market  
5 value,” despite full knowledge that Plaintiff was the owner of the property pursuant to  
6 a contract with her ex-husband, non-party Alexander Sabadash. FAC ¶¶ 9–28.

7 Federal courts are courts of “limited jurisdiction,” possessing only “power  
8 authorized by the Constitution and statute[.]” *Kokkonen v. Guardian Life Ins. Co. of*  
9 *Am.*, 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. Courts are presumed to  
10 lack jurisdiction unless the contrary appears affirmatively from the record. *See*  
11 *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal  
12 courts have an obligation to examine jurisdiction *sua sponte* before proceeding to the  
13 merits of a case. *See Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999).

14 Pursuant to Section 1332(a), federal courts have diversity jurisdiction where  
15 each plaintiff’s citizenship is diverse from each defendant’s citizenship and the  
16 amount in controversy exceeds \$75,000, exclusive of interest and costs. The Supreme  
17 Court has “consistently interpreted § 1332 as requiring complete diversity: In a case  
18 with multiple plaintiffs and multiple defendants, the presence in the action of a single  
19 plaintiff from the same State as a single defendant deprives the district court of  
20 original diversity jurisdiction over the entire action.” *Exxon Mobil Corp. v. Allapattah*  
21 *Servs., Inc.*, 545 U.S. 546, 553 (2005).

22 After reviewing the Notices of Removal (Dkts. 5, 17), the pleadings, and all  
23 relevant documents, the court is unable to conclude presently that subject matter  
24 jurisdiction exists under Section 1332(a). In particular, and without limitation, the  
25 court finds Alexander Sabadash may be a required party under Fed. R. Civ. P. 19, as a  
26 party to the agreement that forms the basis for Plaintiff’s claims, especially the first  
27  
28

1 cause of action of declaratory relief.<sup>2</sup> Because Alexander Sabadash appears to be a  
2 California resident (*see* FAC ¶¶ 10–11, 34), his addition to the action would destroy  
3 diversity jurisdiction under 28 U.S.C. § 1332(a) as Plaintiff is also a California  
4 resident (FAC ¶ 1).<sup>3</sup> *See Exxon*, 545 U.S. at 2622 (recognizing “the presence of  
5 nondiverse parties on both sides of a lawsuit eliminates the justification for providing  
6 a federal forum”).

7 Accordingly, the court ORDERS the parties to show cause in writing, within  
8 twenty-one (21) days from the date of this Order, why Alexander Sabadash is not a  
9 necessary party to this action and why this action should not be remanded for lack of  
10 subject matter jurisdiction. The parties are encouraged to submit evidence and/or  
11 judicially noticeable facts in response to the court’s Order. Responses shall be limited  
12 to ten (10) pages in length. Failure to respond timely and adequately to this Order  
13 shall result in remand of the action without further notice.

14  
15 IT IS SO ORDERED.

16  
17 Dated: March 29, 2024

18   
19 FERNANDO L. AENLLE-ROCHA  
20 United States District Judge  
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26 <sup>2</sup> The court notes Blet argues Alexander Sabadash is a required party. Dkt. 36 at 20;  
27 Dkt. 67 at 12.

28 <sup>3</sup> Blet also submitted documents indicating Alexander Sabadash lives in California.  
Dkt. 36-2 at 12.